

Appl. No. 10/073,764
Reply to Office Action Dated October 31, 2006

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REMARKS

With the foregoing amendment claims 1, 2, 4-12, 14, 17, and 25-27 are pending in the application. Claims 1, 10 and 25 are the sole independent claims. No new matter has been added by the amendments. Applicants respectfully request reconsideration of the present application.

Amendments

According to the Examiner, "the newly added limitation 'second memory' in claim 6 (line 4) and claim 7 (line 1) raises new issues that would require further consideration and/or search."

Applicant is surprised by the Examiner's contention regarding the new limitation because it was the Examiner himself who suggested that we amend claim 6 by adding the word 'second' before the word 'memory' in line 4. See Final Office Action mailed on October 31, 2006 at page 2. Claim 7 was amended so that it too referred to the 'second memory.' Accordingly, Applicant fails to see how the amendment can require further consideration, when, after all, it was the Examiner who suggested the amendment to claim 6, and the amendment to claim 7 necessarily follows from the amendment to claim 6.

Common Ownership

In response to the Final Office Action mailed on October 31, 2006, Applicant attempted to overcome the 103 rejection based on the combination of Steinberg and Hunter by stating,

Applicant respectfully submits that Hunter is available as prior art only under 35 U.S.C. § 102(e). Prior art that is available only under 35 U.S.C. § 102(e) may not be combined with other references where at the time the claimed invention was made, the 35 U.S.C. § 102(e) reference (i.e., Hunter), was owned by the same person. 35 U.S.C. § 103(c). In this case, **the present Application and the Hunter patent were, at the time the invention of the present Application was made, owned by the same person or subject to an obligation of assignment to the same person.**

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Applicants, therefore, respectfully request that the rejection of claims 1, 2, 4-7, 9-12, 14, 17 and 25-27 as being unpatentable over Steinberg in view of Hunter be withdrawn.

In the Advisory action mailed in response to Applicant's reply to the Final Office Action, the Examiner noted,

The assignee of the of the present application is Hewlett-Packard Company in Colorado (US), while the assignee of Hunter reference ... is Hewlett-Packard Development Company, L.P. in Texas (US); The applicant has failed to show the evident [sic] which verifies that Hewlett-Packard Company in Colorado and Hewlett-Packard Development Company, L.P. in Texas is [sic] the same assignee."

Applicant respectfully submits that, **at the time the invention of the present Application was made, both the present application and Hunter were owned by the same person or subject to an obligation of assignment to the same person.** The evidence for this can be found in the Assignment Database of the U.S. Patent and Trademark Office. Attached hereto as Exhibit 1 is the Abstract of Title of the present application, and attached hereto as Exhibit 2 is the Abstract of Title of Hunter.

With reference to Exhibit 1, the Examiner will note that the present application was assigned to Hewlett-Packard Company on February 6, 2002 and then assigned to Hewlett-Packard Development Company on January 31, 2003. Accordingly, between February 6, 2002 and January 31, 2003, the present application was owned by the Hewlett-Packard Company.

With reference to Exhibit 2, the Examiner will note that Hunter was assigned from Hewlett-Packard Limited ("HP Limited") to Hewlett-Packard Company ("HP Company") on January 25, 2002, and then assigned from HP Company to Hewlett-Packard Development Company on September 26, 2003. Accordingly, it is evident that prior to September 26, 2003, Hunter was owned by the HP Company or HP Limited. It is also evident that both Hunter and the present application were owned by the HP Company at least between Feb 6, 2002, the filing date of the present application, and January 31, 2003. Furthermore, HP Limited was under an obligation to assign the Hunter patent to HP Company as is evidenced by the assignment document under which HP Limited assigned Hunter to HP company. This assignment document is attached as Exhibit 3. As the Examiner will note, the assignment

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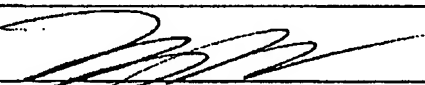
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document states, "in accordance with an Agreement between HP Limited and HP Company ... HP Limited hereby perfects the assignment to HP Company" Accordingly, Applicant respectfully submits that **the present Application and the Hunter patent were, at the time the invention of the present Application was made, owned by HP Company or subject to an obligation of assignment to the HP company.**

CONCLUSION

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections, and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

RESPECTFULLY SUBMITTED,					
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